

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 AUSTIN DIVISION

4 UNITED STATES OF AMERICA) Docket No. A 18-MJ-516(1) ML
5)
6 vs.) Austin, Texas
7)
8 RODNEY GLENN GREEN) September 17, 2018

9 TRANSCRIPT OF PRELIMINARY/DETENTION HEARING
10 BEFORE THE HONORABLE ANDREW W. AUSTIN
11
12
13

14 APPEARANCES:

15 For the United States: Mr. Alan M. Buie
16 Assistant U.S. Attorney
17 903 San Jacinto Boulevard,
18 Suite 334
19 Austin, Texas 78701
20
21

22 For the Defendant: Mr. Horatio R. Aldredge
23 Assistant Federal Public Defender
24 Lavaca Plaza
25 504 Lavaca Street, Suite 960
Austin, Texas 78701

Transcriber: Ms. Lily Iva Reznik, CRR, RMR
501 West 5th Street, Suite 4153
Austin, Texas 78701
(512)391-8792

Proceedings reported by electrical digital sound
recording, transcript produced by computer.

I N D E X

| | <u>Direct</u> | <u>Cross</u> | <u>Redirect</u> | <u>Recross</u> |
|-------------------|---------------|--------------|-----------------|----------------|
| <u>Witnesses:</u> | | | | |

| | | | | |
|--------------------|---|----|----|--|
| Bennett E. Forrest | 8 | 43 | 54 | |
|--------------------|---|----|----|--|

E X H I B I T S

| | <u>Offered</u> | <u>Admitted</u> |
|---------------------|----------------|-----------------|
| <u>Government's</u> | | |

| | | |
|--------------|----|----|
| #1 through 3 | 20 | 20 |
|--------------|----|----|

| | | |
|--------------|----|----|
| #4 through 5 | 23 | 23 |
|--------------|----|----|

| | | |
|----|----|----|
| #6 | 39 | 39 |
|----|----|----|

| | | |
|----|----|----|
| #7 | 23 | 23 |
|----|----|----|

| | | |
|---------------|----|----|
| #9 through 10 | 29 | 29 |
|---------------|----|----|

| | | |
|----------------|----|----|
| #11 through 12 | 30 | 30 |
|----------------|----|----|

| | | |
|-----|----|----|
| #14 | 35 | 35 |
|-----|----|----|

| | | |
|----------------|----|----|
| #15 through 16 | 32 | 32 |
|----------------|----|----|

| | | |
|-----|----|----|
| #18 | 36 | 36 |
|-----|----|----|

| | | |
|----------------|----|----|
| #19 through 21 | 41 | 41 |
|----------------|----|----|

| | | |
|-----|----|----|
| #22 | 42 | 42 |
|-----|----|----|

| | | |
|-----|----|----|
| #23 | 28 | 28 |
|-----|----|----|

| | | |
|--------------------|--|--|
| <u>Defendant's</u> | | |
|--------------------|--|--|

| | | |
|---------|--|--|
| (None.) | | |
|---------|--|--|

1 (Proceedings commence at 2:36 p.m.)

2 THE CLERK: Court is now in session for a
3 preliminary detention hearing: 18-MJ-516, United States
4 vs. Rodney Green.

5 MR. BUIE: Alan Buie for the government.

6 Good afternoon, your Honor.

7 THE COURT: Afternoon.

8 MR. ALDREDGE: And Horatio Aldredge for Mr.
9 Green.

10 THE COURT: Afternoon.

11 We're here on the -- is it preliminary and
12 detention?

13 MR. BUIE: Yes, your Honor.

14 MR. ALDREDGE: That's right.

15 I think Mr. Green needed to address the Court
16 before. Do you want to address the Court?

17 THE DEFENDANT: It's okay?

18 THE COURT: Okay.

19 THE DEFENDANT: My question is, your Honor, how
20 do I change attorneys if I need to do so?

21 THE COURT: Uh --

22 THE DEFENDANT: I know what you're thinking. I
23 just met this guy, what, 40 minutes ago, so I know. How
24 would I know I need a new attorney, which you're probably
25 wondering.

1 THE COURT: If you believe you need a new
2 attorney, you can raise it with the Court, either as
3 you're doing right now or send -- send us something in
4 writing. Let your attorney know and Mr. Aldredge can make
5 that motion.

6 Is that where you are right now?

7 THE DEFENDANT: Yes. We already discussed that
8 and had our little confrontation. But if it's possible, I
9 would like to have another attorney. I don't think I will
10 get a good legal counsel from this guy here as far as
11 strategies and things that needs to be done on this here
12 particular case.

13 THE COURT: Okay. Well, let me just say this.
14 You know, Mr. Aldredge is a member of the Federal Public
15 Defender's Office. He's the head of that office here in
16 Austin. He's been doing this for I'm not sure how many
17 years but as long as I've been on the bench, almost 20
18 years now. He's well-respected by all the judges in this
19 courthouse. He's probably got more experience in federal
20 court than probably other than the people who he works
21 with, who are also federal public defenders, anyone else
22 in town. He knows the judges well; he knows the
23 sentencing guidelines well; he knows the law well. He
24 teaches other lawyers.

25 I think you might be making a mistake if you want

1 me to give you somebody else, it's going to have to be
2 somebody that's less qualified than Mr. Aldredge. So if
3 that's what you want, that's what we'll do.

4 THE DEFENDANT: Okay. We'll go with him. Thank
5 you, your Honor. I need to hear that. Thank you.

6 THE COURT: And, you know, I don't know if I'm
7 throwing Mr. Aldredge back into a situation he doesn't
8 want, but I would encourage you to work with him. He
9 knows what he's doing. If you think you can work with
10 him, Mr. Aldredge, if you think you work with Mr. Green.

11 MR. ALDREDGE: Sure. I have no idea where this
12 came.

13 THE COURT: Okay. Then I would encourage you
14 to --

15 THE DEFENDANT: With experience. Thank you, your
16 Honor.

17 THE COURT: All right. Okay. All right.

18 Mr. Buie, I'll recognize the government.

19 MR. BUIE: Okay. Judge, so we are going to go
20 ahead and go forward. I would --

21 THE COURT: Is that -- is that the intention --

22 MR. ALDREDGE: That's right, your Honor.

23 MR. BUIE: All right. So yes, your Honor.

24 We have before the Court two things. Of course,
25 Mr. Green is here on a complaint, and so, we have a

1 preliminary hearing on that. We also have a motion to
2 detain pending. And with the Court's permission, I'll
3 just present evidence once and cover both of those. And
4 if I could, just by way of introduction, make a brief
5 statement as to what we're going to present in the way of
6 evidence. It's not super-complicated, but it's a little
7 more complicated than usual in one of these cases.

8 As the Court is aware, the complaint charges Mr.
9 Green with one bank robbery that took place in San Marcos
10 on the 28th day of April of this year. And so, we'll
11 present evidence on that in order to meet our probable
12 cause burden for the preliminary hearing.

13 But the FBI's investigation has determined and
14 their belief is that Mr. Green actually committed five
15 banks robberies and four commercial robberies between
16 December 26th of 2017 and April 28th of this year, and all
17 of those robberies, the evidence will show, were armed
18 robberies. Eight of them with a firearm, one of them with
19 a knife.

20 And so, we intend to -- although without going
21 and putting on an elaborate case on nine different
22 robberies, I don't intend to do that, but to provide some
23 evidence on at least more than just the ultimate April
24 28th robbery that he's charged with.

25 THE COURT: Okay.

1 MR. BUIE: All going to dangerousness in our
2 motion to detain.

3 Now, one thing about this, last thing I'll say by
4 way of introduction, is that the bank -- well, the robber
5 in all nine of the robberies that I just mentioned had a
6 mask, was wearing a mask. So the evidence will show that
7 no one, none of the victims, no other witnesses really saw
8 his face, at least not that we know of yet. So the
9 evidence that we're going to present, as the Court will
10 see, has to do with certain physical evidence, certain
11 artifacts that can be seen in the robberies both by
12 witnesses and through surveillance images that then are
13 connected to Mr. Green because they were found in a
14 storage unit that he controlled at the time.

15 So it may seem a little discombobulated, but
16 that's what we're trying to do is to establish it's really
17 about identity. And so, if there are no questions, I'll
18 go ahead and call the government's witness.

19 THE COURT: Anything you need to add on anything?

20 MR. ALDREDGE: No, your Honor. Mr. Buie can
21 provide me the discovery.

22 THE COURT: Okay. All right.

23 MR. BUIE: The government calls Bennett Forrest
24 to the stand.

25 THE COURT: Make your way around here. Raise

1 your right hand, please.

2 THE CLERK: Do you solemnly swear or affirm that
3 the testimony which you may give in this case before the
4 Court shall be the truth, the whole truth, and nothing but
5 the truth?

6 THE WITNESS: Yes, sir, I do.

7 THE COURT: Have a seat.

8 THE WITNESS: Thank you.

9 THE COURT: Make sure you just pull that
10 microphone so it's more or less pointing at your mouth.

11 THE WITNESS: Thank you, sir.

12 THE COURT: That will work. All right.

13 Mr. Buie.

14 MR. BUIE: Thank you, your Honor.

15 BENNETT FORREST, called by the Government, duly sworn.

16 DIRECT EXAMINATION

17 BY MR. BUIE:

18 Q. Sir, would you just state your name and spell it for
19 the record and tell the Court how you're employed?

20 A. I'm Bennett E. Forrest. That is B-E-N-N-E-T-T, last
21 name is Forrest, F-O-R-R-E-S-T. I am a special agent with
22 the FBI here in Austin, Texas.

23 Q. Sir, are you the case agent assigned to the matter of
24 United States vs. Rodney Glenn Green?

25 A. Yes, sir, I am.

1 Q. And I'm -- if the Court doesn't mind me just sort of
2 moving around, I'm going to approach the witness and show
3 you, this is something that's in the Court's record, or
4 it's document three in this matter. Do you recognize
5 that?

6 A. Yes, sir, I do.

7 Q. Is that a criminal complaint that you actually signed
8 in order to get the arrest warrant for Mr. Green?

9 A. That is correct.

10 Q. And now, the defendant in this case, Rodney Glenn
11 Green, is that someone you've actually seen and met in
12 person?

13 A. Yes, sir. That is correct.

14 Q. And if you saw him again, would you recognize him?

15 A. Yes, I would.

16 Q. Is he in the courtroom today?

17 A. Yes, he is.

18 Q. Where is he seated in relation to me and what's he
19 wearing?

20 A. Mr. Green is to your back and right in a
21 green-and-white jumpsuit.

22 Q. Your Honor, may the record reflect the witness
23 identified the defendant?

24 THE COURT: It will so reflect.

25 Q. (BY MR. BUIE) So very briefly, how long have you been

1 an FBI agent?

2 A. Approximately eight years.

3 Q. Okay. Have you ever worked on bank robbery cases
4 before?

5 A. Yes, sir, I have.

6 Q. In Austin or elsewhere?

7 A. In Austin. Also, the Rio Grande Valley.

8 Q. Now, just briefly, if you would, describe the
9 incident that led to the charge that for which Mr. Green
10 is being held at this time.

11 A. Yes, sir. On April 28th, 2018, FBI received a call
12 that the San Marcos Bank of America bank branch had been
13 robbed. That was located at 308 East Hawkins in San
14 Marcos.

15 Q. Okay. And is Bank of America, is that an
16 FDIC-insured bank?

17 A. Yes, it is.

18 Q. And based on your investigation, did the individual
19 actually take money from that bank?

20 A. Yes, sir, he did.

21 Q. Now, at the time that that robbery came to the
22 attention of the FBI, did the FBI or other law enforcement
23 know who had committed it?

24 A. Yes, sir.

25 Q. Okay. Was -- were victims or witnesses there able to

1 see the face of the person who committed the bank robbery?

2 A. No. They were not.

3 Q. Why not?

4 A. Because his face was covered with a mask.

5 Q. So how -- if you would, just summarize or explain,

6 how did law enforcement come to focus on Mr. Green as

7 possibly being the robber in that case?

8 A. Yes, sir. Responding officers and detectives with
9 the San Marcos Police Department did respond to the scene.
10 After viewing surveillance footage, they did observe a
11 silver or light-colored sedan leaving the scene. The
12 detective later, after viewing the Bank of America
13 surveillance video, went to a store in San Marcos, which
14 is a supply store, and was able to grab a -- or observe a
15 partial tag with that vehicle.

16 Q. Okay. So you were talking about you mentioned
17 surveillance, but is one of those at the bank and then,
18 another one at a second location?

19 A. Yes. There was two surveillance videos. And the
20 first video was at the Bank of America in which the
21 detectives saw the suspect come to the bank, I believe,
22 approximately 9:03 a.m., left at approximately 9:05 a.m.
23 on that Saturday, went towards an alley. Within seconds,
24 the San Marcos detective observed the vehicle on the
25 surveillance video leaving the scene.

1 Q. Okay. You have a number of exhibits in a folder
2 there. Would you find what's been marked as Government's
3 Exhibit 1, please?

4 A. Yes, sir.

5 Q. Have you seen that before?

6 A. Yes, I have.

7 Q. What is that photograph?

8 A. That is a photograph of our suspect vehicle that
9 was --

10 Q. And what's the source or origin of the photograph?
11 Is that surveillance video or something else?

12 A. That is surveillance video.

13 Q. Okay. All right. So having observed a vehicle
14 departing the scene of the robbery, what investigation
15 occurred with respect to that vehicle?

16 A. On the 28th of April, that was a special event in San
17 Marcos, they were actually having a parade. So the San
18 Marcos PD detective understood that there was only a
19 couple of directions that that vehicle could have taken
20 due to the parade and the people in the street. Following
21 logical routes, that detective went to a store there in
22 San Marcos to try to retrieve additional video footage in
23 which he believed that vehicle would have fled.

24 Q. Okay. And did he observe anything significant on the
25 -- whatever images he got at that location?

1 A. Yes, he did. He was able to identify two possible
2 digits from that license plate of that vehicle.

3 Q. Okay. And then, what did he do with that
4 information?

5 A. With that information, he did a -- what he called a
6 wildcard query. With that, he was able to get returns on
7 approximately 70 different vehicles of silver Impalas. He
8 knew it was a between 2006 and a 2012 Impala. After
9 reviewing the footage and doing the search, he inputted
10 some of the digits, and he was able to identify down to a
11 particular tag.

12 Q. Okay. So let me just see if I understand what you're
13 saying. He was able to search, what, some kind of a
14 database, is that right, to find similar cars?

15 A. That is correct.

16 Q. He was able to search with partial tag numbers to
17 narrow it down?

18 A. That is correct.

19 Q. Okay. So he -- what, did he narrow it down to some
20 -- some group of vehicles and then what?

21 A. After he was able to identify the vehicles and
22 reviewing the surveillance video footage, he was able to
23 put the plate together. Then he performed -- he ran that
24 video -- that plate and he -- after running that plate, he
25 was able to identify that that vehicle checked back to a

1 Mr. Rodney and Tammy Green.

2 Q. Okay. And who is Tammy Green?

3 A. Tammy Green is the wife of Mr. Rodney Green.

4 Q. Okay. What next -- what happened next once he had
5 identified them as being what -- was the vehicle
6 registered to them? Is that what you're saying?

7 A. Yes. That's what I'm saying. Yes, sir.

8 Q. Okay. What happened next? What did he do?

9 A. He did a internal database query within the San
10 Marcos Police Department in which he ran both Rodney and
11 Tammy Green. He was able to identify a traffic or past
12 history with Mr. Rodney and Tammy Green within the San
13 Marcos Police Department.

14 Q. And what was the nature of that history or whatever
15 it is you just referred to?

16 A. Yes, sir. That was a contact that they made with Mr.
17 Rodney and Tammy Green on April 20th, approximately one
18 week before the bank robbery, in which they were observed
19 walking down I-35. San Marcos Police did make contact
20 with them on I-35, and just asked them what they were
21 doing.

22 Q. Okay. So at that point, having identified a vehicle
23 and connected it to an individual or two individuals.

24 A. That is correct.

25 Q. Then what was done next in the investigation?

1 A. After reading that report from the 20th, Mr. Green
2 had told the responding officers on the 20th that he was
3 driving a silver Impala and that it had recently been
4 impounded, and that they were staying at the Super 8 Motel
5 in San Marcos. Once the detective understood that, he
6 went ahead and traveled to the Super 8 Motel in San Marcos
7 and made contact with the staff in which, yes, they did
8 confirm that they had checked in under Tammy Green. And
9 that the desk clerk did remember the -- Mr. Green's
10 vehicle being towed by a repo man.

11 Q. Okay. And so, keep going. What was the next -- next
12 step in the investigation after he confirmed that they had
13 stayed at that motel?

14 A. Yes. At that point in time, or around that point in
15 time, approximately, the San Marcos detective had
16 contacted the FBI here in Austin, Texas and spoken with
17 one of our task force officers. Our task force officer,
18 after learning of what our suspect was wearing, including
19 the mask and the black hooded jacket and along with the
20 silver Impala, went ahead and informed the San Marcos
21 Police Department that this was most likely going to be
22 involved with our other -- other previous bank robberies.

23 Q. So those had taken place where?

24 A. Which had taken -- there was four other separate bank
25 robberies which had taken place here inside Austin, Texas.

1 Q. Okay. And could you just say, one more time, what
2 was the common thread that made them think that there was
3 a connection between the San Marcos robbery and the
4 previous Austin robberies?

5 A. Not only the clothing to include the black jacket,
6 the mask and, also, the vehicle.

7 Q. Okay. I don't think we had talked about a black
8 jacket before. Would you explain what you mean by that?

9 A. Yes, sir, I will. I apologize to the Court.

10 During the last four out of five bank robberies,
11 the suspect did wear a black hooded jacket with somewhat
12 of a subdued stripe down the middle of the jacket.

13 Q. Okay. All right. So did you or other investigators
14 ever locate the Malibu, the silver-colored vehicle that
15 you've been referring to in your testimony?

16 A. Correct. I made contact with the detective from San
17 Marcos on the evening of the 28th. We conversed and spoke
18 about the similarities and the different crimes, and we
19 agreed to meet up on the 29th, which was a Sunday, to
20 check the local motels and hotels in San Marcos and,
21 additionally, the tow yard in which the vehicle had been
22 towed to in San Marcos.

23 Q. Okay. And what did you find at that time?

24 A. We had negative success on checking the hotels and
25 the hotels in San Marcos. Going back and thinking through

1 previous investigations, including the four other bank
2 robberies that occurred in Austin, Texas, two of them had
3 occurred around the Capital Plaza area here in Austin,
4 Texas.

5 Q. And is that a shopping center up on I-35?

6 A. That is correct. Yes, sir.

7 Q. Near 290 and 51st Street in that --

8 A. That is correct, sir. Being that, you know, the
9 other bank robberies or similar bank robberies had
10 occurred in that area, we decided to travel from San
11 Marcos to Austin to try to query or spot check, spot check
12 surveillance for the vehicle to see if it was located in
13 any of those hotel parking lots.

14 Q. Now, at that point, other than -- other than the
15 information you've already described, did you or other
16 investigators have other information about Mr. Green, his
17 background, anything else to suggest that he might be
18 involved?

19 A. At that point in time, before obtaining the license
20 plate, that is a negative. No, sir.

21 Q. Okay. Well, I'm talking about after obtaining the
22 license plate, at the time that you were looking for the
23 vehicle, was there any other information about him?

24 A. No, sir.

25 Q. Okay. All right. So where, if anywhere, did you

1 eventually find the silver car?

2 A. We queried multitude of hotels and motels along I-35
3 and around the Capital Plaza area. Shortly before
4 terminating the surveillance operation, we pulled into the
5 Stay 6 Suites.

6 Q. I'm sorry. The what?

7 A. Stay 6 Suites, the Motel 6. It's part of the Motel 6
8 chain.

9 Q. Okay.

10 A. After looking in the hotel, we located the vehicle,
11 parked in the rear of the hotel -- excuse me, it's a
12 Studio 6 hotel. I apologize. It is a Studio 6 hotel. We
13 found the vehicle located in the back part of the hotel
14 parking lot.

15 Q. Okay. Did you do any other investigation there at
16 the -- at the hotel other than just finding the car?

17 A. Yes. So after we located the vehicle, we contacted
18 several detectives from San Marcos and, also, agents from
19 the FBI and task force officers. We made contact with
20 people there at the front desk who had informed us, yes,
21 that Tammy Green, Rodney Green's wife, had checked in on
22 the day of the 28th. During check-in, she had paid with
23 cash and that she had booked multiple days' stay there at
24 the Motel 6.

25 Q. Okay. All right. What else, if anything, did you

1 find out about Ms. Green or Mr. Green there at the Studio
2 6?

3 A. After actually setting up surveillance on the 29th,
4 we made contact with an Austin Police Department officer,
5 patrol officer who was actually there on the 28th of the
6 day that Tammy -- actually, right then when Tammy was
7 checking in. He observed her paying with what he
8 described as with new \$20 bills that were fresh and that
9 she checked in.

10 Additionally, we had -- when we spoke with the
11 front desk clerk, they had provided us with Room 359 in
12 which they were staying at.

13 Q. At some point after that, did you or other officers
14 actually see Tammy Green at the Studio 6 Motel?

15 A. That's correct. After setting up surveillance, we
16 did observe -- the people in the ground did observe Tammy
17 Green leave Room 359 and walked towards the silver Malibu.
18 When she left, the San Marcos detective had already run
19 her driver's license history in which once he identified
20 that she had suspended -- or a suspended license.

21 Q. Okay. But she got in the Malibu and drove off?

22 A. That's correct.

23 Q. By herself or with somebody else?

24 A. By herself.

25 Q. All right. What happened next?

1 A. Austin Police Department performed a traffic stop in
2 which they arrested her with driving without a license.
3 In plain view, they observed gloves in the backseat. And
4 obviously that is the vehicle that was later applied for
5 for a search warrant. Ms. Tammy Green was obtained and
6 transported to Austin Police Department main headquarters.

7 Q. Under arrest, you mean?

8 A. That's correct.

9 Q. Okay. And so, what about the vehicle? What happened
10 to it?

11 A. The vehicle was towed to Austex Towing yard for a
12 hold for future search warrant.

13 Q. All right. Now, let me show you, if you'll find
14 Government's Exhibits 2 and 3. Do you see those?

15 A. Yes, sir, I do.

16 Q. And what are those?

17 A. That is Rodney Green's silver Impala. That is the
18 vehicle in which Tammy was driving and which was towed to
19 Austex for future search warrant.

20 Q. Okay. Now -- and, your Honor, I, at this time, offer
21 into evidence Government's Exhibit 1, 2 and 3.

22 THE COURT: No objection?

23 MR. ALDREDGE: No objection.

24 THE COURT: One, 2 and 3 will be admitted.

25 Q. (BY MR. BUIE) Okay. And okay. So -- now, you

1 mentioned something being seen in plain view at the time
2 of Ms. Green's arrest. What was that again?

3 A. Those were gloves which were observed during one or
4 mul -- or a multitude of the bank robberies or multiple
5 bank robberies.

6 Q. Okay. I'm just trying to understand.

7 A. Yes, sir.

8 Q. What was seen in the car.

9 A. Okay.

10 Q. It was gloves in the car?

11 A. There was. It was gloves in plain view on the
12 backseat.

13 Q. Okay. And so, if you look at Government's Exhibit 4,
14 what is that, please?

15 A. That is a gray pair of gloves, black undertone with
16 right -- with white writing on the top.

17 Q. All right. Where did this photograph show the glove?

18 A. Those gloves were located on the -- in plain view on
19 the backseat.

20 Q. Okay. So that's what we're looking at, picture of
21 the gloves on the backseat?

22 A. Yes, sir. That is correct.

23 Q. Okay. And then, if you look at Government's Exhibit
24 No. 5, what is that?

25 A. That is going to be the same pair of gloves which

1 were located inside the vehicle.

2 Q. Okay. Now, they look different in Government's
3 Exhibit 5 than in Government's Exhibit 4. I mean, are
4 they in a different location in Government's Exhibit 5?

5 A. So Government Exhibit 4, I believe those gloves were
6 actually photographed on the backseat of the vehicle.

7 Government Exhibit No. 5, those were taken by APD
8 crime scene detective.

9 Q. Okay. It like at the police station or wherever they
10 keep the evidence, something like that?

11 A. I was not there, but yes, sir, I believe so.

12 Q. All right. So was that vehicle eventually searched
13 pursuant to a state court search warrant?

14 A. Yes, sir. After the search warrant was obtained.

15 Q. Okay. And let me ask you to look at -- well, first,
16 let me just ask: What else, if anything, was found in the
17 vehicle that had evidentiary value? In the vehicle, that
18 is. So there were gloves on the -- that you mentioned
19 that were on the -- I believe, the backseat?

20 A. Yes, sir.

21 Q. Anything else that you can recall?

22 A. There was a mask that was found. I believe it was
23 silver.

24 Q. Okay.

25 A. There was a silver mask of non-evidentiary value that

1 was found in the vehicle.

2 Q. A silver what? I'm sorry.

3 A. A mask. There was a mask.

4 Q. Okay.

5 A. Not evidentiary value mask. Additionally, inside the
6 vehicle, there was additional pair of gloves that was
7 located.

8 Q. Okay. So if you look at Government's Exhibit 7, what
9 is that, please?

10 A. That is additional pair of gloves, which the FBI
11 believes were used in a separate bank robbery.

12 Q. And are you saying those were the ones that were
13 found when the car was searched pursuant to a warrant?

14 A. Yes, sir. There was two pairs of gloves that were
15 found in the vehicle pursuant to the warrant.

16 Q. Okay. Your Honor, I'll offer Government's 4, 5 and
17 7.

18 MR. ALDREDGE: No objection.

19 THE COURT: Four, 5 and 7 will be admitted.

20 MR. BUIE: Did you say no objection?

21 MR. ALDREDGE: I said no objection.

22 Q. (BY MR. BUIE) Okay. I'm sorry.

23 All right. So after that, after Ms. Green's
24 arrest, ultimately there was the search of the vehicle.

25 What other investigation took place at the Studio

1 6 Motel after she was arrested and taken away?

2 A. Yes, sir.

3 We had agents on the ground, additional San
4 Marcos Police detectives conducting surveillance in an
5 intent to finally locate Mr. Green. During the time that
6 Tammy was with APD, detectives saw a male several times
7 peek outside the window, looking outside.

8 Additionally, later that evening, after that
9 occurred, they saw an individual that they believed to be
10 Rodney Green walk down the stairs and walk out in the
11 parking lot towards I-35 with a stack of cash in his hand.
12 He, Mr. Green, did meet up with, I believe, a black Volvo,
13 unknown transaction occurred or conversation occurred. We
14 do not know what happened there. Then Mr. Green is
15 observed walking back towards the hotel room.

16 Q. Okay. At some point, did law enforcement officers
17 obtain a second search warrant? Not just the one for the
18 car but a different one.

19 A. That's correct.

20 Q. What was that search warrant for?

21 A. That search warrant was for the Studio 6 hotel Room
22 359 and a backpack.

23 Q. Okay. Let me show you if you'll look all the way to
24 the very back of the stack to what's been marked as
25 Government's Exhibit No. 23. I'll confess, a fairly poor

1 photograph, but I want you to find -- just tell me if
2 you've seen that before.

3 A. Yes, I have.

4 Q. And what is it, please?

5 A. I believe that is going to be the receipt for the ATX
6 Self-Storage, storage unit, which is immediately up the
7 road from the Studio 6 Motel.

8 Q. Where did this receipt come from or where did law
9 enforcement find it?

10 A. That Studio -- that particular receipt was located
11 inside Room 359.

12 Q. And could you just -- I apologize for this being such
13 a bad copy, but could you just walk us through what we can
14 see there? There's a name over to the left and, I think,
15 a date for -- payment date and some other things like
16 that.

17 A. Yes, sir.

18 That is a camera receipt for the ATX Self-Storage
19 on I-35, within close proximity to the Studio 6 hotel.
20 The date of payment was April 28th, 2018. Tammy Green did
21 make that payment. Additionally, on the seat -- on the
22 receipt, they listed a address of 23 Loyola Lane in
23 Austin, Texas.

24 Q. What's the significance of that address?

25 A. That is the -- that was the known address for

1 investigators at the time of Mr. Rodney Green.

2 Q. Did you or other agents do any investigation at the
3 ATX Self-Storage?

4 A. Yes, sir, we did. The next day, after Mr. Rodney
5 Green was taken into custody, multiple task force officers
6 and, additionally, APD detectives and the San Marcos
7 Police Department detective did perform a search pursuant
8 to state search warrants on the storage unit.

9 Q. All right. Briefly summarize what, if anything, was
10 found in the search warrant that was of evidentiary value.

11 A. Yes, sir.

12 So what was found of evidentiary value at the
13 storage unit was the black jacket with the -- black jacket
14 -- black hooded jacket with a subdued stripe down the
15 middle, or at least across the back hooded -- the back of
16 the hood. Additionally, a handgun was located inside the
17 storage unit that was located with inside a boot, which
18 was consistent with the handgun that was used in multiple
19 bank robberies in which that we had observed through
20 either still photographs from bank robbery surveillance
21 video or through actual surveillance video.

22 Additionally derived from that state search
23 warrant pursuant to the search warrant, we later found a
24 white knitted mask, which was located inside the black
25 hooded jacket, which we -- which investigators initially

1 did not discover until a later point in time.

2 Q. So you got a search warrant for one particular
3 storage space at the ATX Self-Storage, correct?

4 A. That is correct.

5 Q. Is that the one that Tammy Green had rented?

6 A. That's correct.

7 Q. And just remind us how the dates goes. On the
8 payment receipt, I think you said payment date, April
9 28th. And what -- when is that in relation to the Bank of
10 America robbery?

11 A. The Bank of America robbery occurred on the -- the
12 morning of the 28th of April.

13 Q. And other than the payment receipt, the fact that
14 whatever it shows as far as Tammy Green having rented that
15 space, does any other evidence from the ATX Self-Storage
16 connect Mr. Green or Ms. Tammy Green besides just this
17 document?

18 A. Yes. That's correct.

19 Q. What would that be? What other evidence?

20 A. That would be a positive latent fingerprint, which
21 was lifted from the magazine of the pistol, which is
22 located in the storage unit.

23 Q. Okay. Let me hold off on that for just a moment.

24 Did agents speak to anyone, interview any
25 witnesses that were connected with the ATX Self-Storage

1 business?

2 A. That's correct. Witnesses that were employees of the
3 ATX Self-Storage, they remembered both Mr. Rodney Green
4 and Tammy Green arriving, I believe it was, during a
5 promotional day or their -- they -- yes. They remember
6 Mr. Rodney Green because he was eating their popcorn and
7 he was -- yes.

8 Q. All right. So let me show you what's been -- first
9 of all, let me -- your Honor, I'll offer Government's
10 Exhibit 23, which is a really bad image of that receipt.

11 THE COURT: Any objection to that?

12 MR. ALDREDGE: No, your Honor.

13 THE COURT: All right. Twenty-three will be
14 admitted.

15 Q. (BY MR. BUIE) And so, next, Special Agent Forrest,
16 will you find what's been marked as Government's Exhibit
17 9?

18 A. Yes, sir.

19 Q. Let me know when you found that.

20 A. Yes.

21 Q. What does that show?

22 A. That was the pistol that was located within the
23 storage unit. That pistol was particularly located with
24 inside a cowboy boot.

25 Q. Okay. And then, what about Government's Exhibit 10,

1 the very next one? Is that the same gun or a different
2 gun?

3 A. That is the same gun.

4 Q. Okay. So just photographed in a different setting or
5 position than when it was inside the boot?

6 A. That's correct.

7 Q. All right. Now, you mentioned, a moment ago, a
8 latent fingerprint. Tell the Court about that again,
9 please.

10 A. APD was able to -- Austin Police Department was able
11 to identify and locate a latent fingerprint on the
12 magazine for the pistol. That latent fingerprint was
13 lifted by the Austin Police Department.

14 Q. Okay. And who did -- did they find out who that
15 print belonged to?

16 A. They did. They received a positive identity or
17 positive hit from that latent print for Mr. Rodney Green.

18 Q. Okay. All right. I'll offer Government's Exhibits 9
19 and 10.

20 MR. ALDREDGE: No objection.

21 THE COURT: Nine and 10 will be admitted.

22 Q. (BY MR. BUIE) Now, let me ask you to find
23 Government's Exhibits 11 and 12. And just tell me when
24 you found them so I could ask you a couple of questions
25 about them.

1 A. Yes, sir. I did locate them.

2 Q. What are those? And if they're the same thing or
3 different things, could you just explain what they are?

4 A. Yes. Both of those photographs are the same article.
5 Those are both photographs taken of the black hooded
6 jacket, which was located inside the storage unit.

7 Q. Okay. Now, they look -- these pictures look
8 different. One looks kind of blue and one looks black.
9 Do you know why that is?

10 A. I believe it was probably the exposure of -- from the
11 light at the time the photograph was taken.

12 Q. Okay. So Government's Exhibit 11, where you see
13 somebody's hand off to the left side, where is that one
14 photographed?

15 A. I was not there at the time that the search was
16 performed. So that could either -- I believe --

17 Q. Okay. If you don't know.

18 A. I do not know.

19 Q. Okay. All right.

20 Okay. So, your Honor, I'll offer Government's
21 Exhibits 11 and 12.

22 MR. ALDREDGE: No objection.

23 THE COURT: Eleven and 12 will be admitted.

24 Q. (BY MR. BUIE) Now, let me ask you to find
25 Government's Exhibits 15 and 16. Do you have those?

1 A. Yes, sir, I do.

2 Q. Let's start with 16. What is that, please?

3 A. Sixteen is a white -- it looks like a white -- it's a
4 white knitted mask. I believe it was originally a white
5 stocking cap that was converted to a mask. Now, this
6 particular item of evidence was important to the FBI due
7 to the fact that we believed this mask was used not only
8 for the Bank of America in San Marcos bank robbery, but it
9 was also utilized during the bank robbery which occurred
10 on April 7th, the BB&T Bank here in Austin, Texas.

11 Q. Okay. So -- but Government's Exhibit 16, a
12 photograph, does that show something that was found in the
13 storage unit at ATX Self-Storage?

14 A. That's correct. So originally and ultimately, the
15 black hooded jacket with the subdued stripe, the subdued
16 black stripe was located within the Austin -- Austin Texas
17 Storage unit. Originally at the time of the search,
18 officers, detectives had missed or not located the white
19 mask at -- which was actually located, at later point in
20 time, during a secondary search of the articles that were
21 originally seized within the left sleeve of that jacket.

22 Q. Okay. So when we look at Government's Exhibit 15,
23 you've got something that seems to be coming out of a
24 sleeve. Is that what you're talking about?

25 A. Yes, that is.

1 Q. Okay. The government offers Government's Exhibits 15
2 and 16.

3 MR. ALDREDGE: No objection.

4 THE COURT: Fifteen and 16 are admitted.

5 Q. (BY MR. BUIE) All right. So let me ask you next to
6 find what's been marked as Government's Exhibit 14. Do
7 you see that?

8 A. Yes, sir, I do.

9 Q. What is that -- what appears in that picture?

10 A. That is going to be from the Bank of America -- the
11 Bank of America bank robbery, which occurred on the 28th
12 of April.

13 Q. Okay. Who is facing the camera there?

14 A. The --

15 Q. In other words, not the name of the person but just
16 what is that person doing?

17 A. Committing a bank robbery.

18 Q. Okay. And the person whose back is to the camera,
19 who was that?

20 A. That would be the victim teller.

21 Q. Did anyone talk to that person subsequent to the
22 robbery?

23 A. Yes. That is correct.

24 Q. Did that person describe what happened during the
25 robbery or how -- what she thought or how she felt during

1 the robbery?

2 A. Yes.

3 That victim did confirm that the handgun was
4 pointed in her direction and that she was in fear for her
5 life.

6 Q. Okay. And did she -- was she the one that gave the
7 robber some money that he left with?

8 A. That's correct, sir.

9 Q. Okay. Now, of the items that we've been talking
10 about, would you just tell the Court which of the items of
11 evidence that we've been discussing, if any, appear in
12 this photograph?

13 A. In 14, sir?

14 Q. Yes. In Government's Exhibit 14.

15 A. That is going to be the white knitted mask, which, I
16 believe, was originally converted from white stocking cap,
17 which was located -- originally located inside the Austin
18 Texas Storage unit, inside the black hooded jacket, which
19 was also located at the storage unit.

20 Q. Okay. Now, so is the mask -- is that the only thing
21 in this picture that you recognize from other places like
22 evidence that was seized or whatever the case may be?

23 A. No, sir.

24 So that white mask, the white knitted mask in
25 Exhibit 14 was utilized in bank robbery No. 4 and 5. Now,

1 out of the total of five bank robberies, the black hooded
2 jacket was used in the last four out of the five.

3 Q. Okay. When you say black hooded jacket, does it
4 appear in Government's Exhibit 14?

5 A. Yes, it does.

6 Q. All right. So what, if anything, is distinctive
7 about the -- I mean, it's a -- on the picture, you can see
8 it's a black jacket. Is there anything distinctive about
9 it?

10 A. There is. It's a black hooded jacket with a very
11 subdued black stripe or black smooth stripe area that runs
12 down the hood of the jacket.

13 Q. Okay. Now, we have pictures of a jacket and that's
14 Government's Exhibits -- Government's Exhibit 12, 15 and
15 11.

16 Can you -- is there anything that you can point
17 the Court to there to match up with what you're talking
18 about from Government's Exhibit 14?

19 A. Yes.

20 If you look at Exhibit 12, you can clearly see
21 that there is a center portion of the jacket on the hood,
22 which I've been calling a subdued stripe. It's actually
23 just a center portion that is somewhat of a divided
24 portion on the jacket.

25 Q. Okay. All right. So now, let me ask you -- let's

1 see. I'll offer Government's Exhibit 14.

2 THE COURT: Any objection?

3 MR. ALDREDGE: No objection.

4 THE COURT: Government's 14 will be admitted.

5 Q. (BY MR. BUIE) Now, let me -- let me ask you to find
6 and look at Government's Exhibit 18. My apologies for the
7 quality of the picture. Once you find it, just tell me
8 whether you've seen this before.

9 A. Yes, sir.

10 That is going to be a still photograph taken from
11 the bank robbery surveillance video. That bank robbery
12 occurred at the BB&T Bank on April 7th of 2018 in which
13 the suspect entered the bank, wearing the same black
14 hooded jacket from the San Marcos bank robbery. And the
15 exact same -- and the same -- the same mask from the bank
16 robbery.

17 During that bank robbery, the suspect walked
18 inside the bank, when they got up to the teller and
19 additionally tapped the gun on what's known within the
20 banking industry as a bandit barrier.

21 Q. Okay. And do you see the gun in this picture?

22 A. I do.

23 Q. Where is it just from -- start from the middle and
24 point to whether it's up, down, left or right.

25 A. If you're going left to right, it's approximately

1 inch and a half to the right from the left side of the
2 paper.

3 Q. Okay. From on the left edge?

4 A. Yes. That's correct.

5 Q. Okay. Your Honor, I'd offer Government's Exhibit 18.

6 MR. ALDREDGE: No objection.

7 THE COURT: Government's 18 is admitted.

8 Q. (BY MR. BUIE) Let me ask you to find what's been
9 marked as Government's Exhibit 6.

10 A. Yes, sir.

11 Q. Okay. What is that, please?

12 A. That is a exhibit from February 24th, 2018. The
13 reason this is a significant bank robbery.

14 Q. Let me just ask you --

15 A. Yes.

16 Q. It's a picture, right?

17 A. That's correct.

18 Q. Okay. What's the picture of?

19 A. That is a picture from the bank robbery -- it's a
20 still photograph taken from the bank robbery surveillance
21 video during the February 24th, 2018 bank robbery of the
22 Compass Bank on Cameron Road.

23 Q. That's here in Austin?

24 A. That is correct.

25 Q. Okay. So now, you've talked about a bank robbery in

1 San Marcos. You've talked about a BB&T Bank where he
2 tapped a gun on the glass. And then, now, is this a
3 different robbery from those?

4 A. Yes.

5 This is -- in our string of five bank robberies,
6 this is our -- this is going to be our third bank robbery.

7 Q. Okay. So if -- what, if anything, do you see in this
8 photograph that's distinctive with relation to any of the
9 evidence that we've already discussed?

10 A. Distinctive within this photograph, speaking on
11 evidence, is going to be the gray gloves with the white
12 insignia on the top.

13 Q. Okay. Now, let me just stop you for a second, just
14 ask you to find so we can just refer back. Talking about
15 -- I'm looking at Government's Exhibit 5. Do you have
16 that one?

17 A. Okay. Give me one second, please. Yes, sir. Go
18 ahead.

19 Q. Okay. Government's Exhibit 5 and Government's
20 Exhibit 6, what, if anything, is the connection?

21 A. The connection between these two particular exhibits
22 is going to be the gray gloves with the white insignia on
23 top.

24 Q. Okay. And do you see those in Government's Exhibit
25 6?

1 A. Yes, sir.

2 Q. Lower left-hand corner?

3 A. That's correct.

4 Q. Okay. What about the firearm in Government's Exhibit
5 6?

6 A. The firearm in Exhibit 6 is the firearm that is very
7 similar in nature to the firearm used in all five bank
8 robberies.

9 Q. Okay. And I'm just comparing it to Government's
10 Exhibit 10, which is already in evidence. Is there
11 anything, in particular, about Government's Exhibit 10
12 that the Court can see that makes you think that's the
13 same gun as Government's Exhibit 6?

14 A. Yes, sir.

15 Q. What would that be?

16 A. It's similar in color in the -- similar in color;
17 it's black. Additionally, it has a -- looks like a worn,
18 shiny slide, which is used to actually chamber a round in
19 the vehicle -- excuse me, not the vehicle. Excuse me, in
20 the gun.

21 Q. Okay. What about the size of the gun? Can you tell
22 anything about it either in Exhibit 6 or just from -- have
23 you seen the gun physically yourself?

24 A. I -- no, sir. I have not.

25 Q. Okay. Do you know anything about the size of the gun

1 just from other investigation?

2 A. Yes, I do.

3 Q. And is it consistent with the size of -- that appears
4 in Exhibit 6?

5 A. That's correct.

6 Q. Is that kind of big, kind of small? How would you
7 describe it?

8 A. It's a smaller to medium size gun.

9 Q. Okay. I'd offer Government's Exhibit 6, if I haven't
10 already.

11 MR. ALDREDGE: Again, we have no objection.

12 THE COURT: Exhibit 6 is admitted.

13 Q. (BY MR. BUIE) Government's Exhibit -- let me ask you
14 to take a look at Government's Exhibit 17. Do you have
15 that?

16 A. Yes, sir.

17 Q. Okay. And actually, I'm going to skip that one
18 because the picture's not very good.

19 So let me ask you to take a look at Government's
20 Exhibits 19 and 20. If you'll find those, please.

21 A. Yes. That is correct. I have 19 and 20. Go ahead.

22 Q. Okay. What do those show, those pictures?

23 A. Those are shoes what were seized within the Austin
24 Texas Storage unit.

25 Q. Okay. And do those shoes or shoes consistent with

1 those show up in any of the robberies that you have
2 investigated?

3 A. Yes.

4 Out of our nine series robbery investigation,
5 which not only includes five bank robberies, which we also
6 have four Hobbs Act violations, during a robbery which
7 occurred on the 26th of December, 2017, those shoes were
8 observed in a surveillance video.

9 Q. Okay. Let me ask you to look at what's been marked
10 as Government's Exhibit 21. Can you find that?

11 A. Yes, sir, I do. I see those.

12 Q. Do you know which -- you know what this picture
13 shows, Government's 21?

14 A. Yes.

15 So this is an important picture for the FBI due
16 to the fact that our first five robberies, including four
17 Hobbs Act violations, which is a commercial robbery, and,
18 also, one bank robbery, we had the exact same jacket used,
19 which was this darker color jacket with the white stripe
20 across the middle with insignia in the chest area.

21 Additionally, in Exhibit 21, you do see shoes
22 that are consistent with the sneakers that were used in
23 the 12-26 of 2017 Boost commercial robbery.

24 A. Okay.

25 Q. And are they also consistent with Government's 19 and

1 20?

2 A. Yes, sir, they are.

3 Q. Okay. I'd offer Government's 19, 20 and 21.

4 MR. ALDREDGE: No objection.

5 THE COURT: Nineteen, 20 and 21 are admitted.

6 Q. (BY MR. BUIE) Okay. Now, if you -- so on 21 is from
7 -- do you know which robbery this is, No. 21? If you
8 don't, that's -- just if you can remember.

9 A. No, sir. I cannot recall which robbery this was.

10 Q. Okay. But you mentioned the jacket. And so, that
11 jacket or some kind of a hooded garment with the stripe
12 across the chest, how many robberies did that appear in?

13 A. That jacket occurred in five total robberies,
14 including four commercial robberies, which is a Hobbs Act
15 violation, and one bank robbery -- first bank robbery,
16 which occurred on the 24th of January this year at a Chase
17 Bank in Austin, Texas.

18 Q. Okay. Would you find what's been marked as
19 Government's Exhibit 22?

20 A. Yes.

21 Q. Do you have it?

22 A. Yes, sir, I do.

23 Q. What does that show?

24 A. I believe that's going to be footage from the first
25 bank robbery, which occurred on January 24th, 2018, which

1 is at Chase Bank. This is a important bank robbery for
2 the FBI because not only does the suspect point a gun at
3 people, the suspect also indicated he had a bomb on them
4 and that he -- it would go off if they didn't obey his
5 commands.

6 Q. And the dark garment with the hood, is that a garment
7 that you've seen in connection with other robberies that
8 you've investigated?

9 A. Correct.

10 So Exhibit 22 is going to be the Chase Bank
11 robbery. And the other photographs, I observed of the
12 suspect. And the black jacket with the white stripe is
13 going to be the commercial robberies.

14 Q. Okay. And including Government's Exhibit 21?

15 A. That's correct.

16 Q. All right. We'll offer Government's Exhibit 22.

17 MR. ALDREDGE: No objection.

18 THE COURT: Twenty-two's admitted.

19 Q. (BY MR. BUIE) Okay. So the -- now, you didn't
20 find -- you or other officers didn't find that garment
21 with the white -- light stripe across the chest, you
22 didn't find that at the ATX Self-Storage, did you?

23 A. No. We did not.

24 Q. Okay. Or anyplace else, you don't have that, do you?

25 A. No. We do not.

1 Q. Okay. Has that garment showed up in your
2 investigation anywhere other than the five robberies that
3 you mentioned?

4 A. It did. So the exact same day as the first
5 commercial robbery, which was December 26, 2017, that
6 hoody with the white stripe was observed inside a pawnshop
7 here in Austin, Texas.

8 Q. Okay. And, I mean -- so it wasn't there just by
9 itself, was it? I mean.

10 A. No. That's correct.

11 Q. Could you see who was wearing it?

12 A. I believe, yes, it was Tammy Green.

13 Q. All right. And was anyone with her at that time, or
14 was she there by herself?

15 A. We believe that individual that was with her was Mr.
16 Rodney Green. We believed that the female wearing that
17 jacket was Mrs. Tammy Green.

18 Q. I'll pass the witness, your Honor.

19 CROSS-EXAMINATION

20 BY MR. ALDREDGE:

21 Q. Good afternoon, Agent.

22 A. Good afternoon. How are you doing?

23 Q. Good. How are you?

24 A. Good.

25 Q. Can you tell me how much money was taken at the April

1 28th robbery in San Marcos?

2 A. Yes, sir.

3 I can't tell you the exact amount, but it was
4 10,800. And I'm not sure on the remaining dollars, but
5 the loss was 10,800. And I'm going to be approximate
6 here, but I believe it was \$10,847.

7 Q. And what about the other robberies?

8 A. I can't -- I can't recall off the top of my head what
9 the exact number was, at this point in time, taken from
10 the other banks, but there was money taken.

11 Q. Okay. So -- but not something that would initially
12 stick out in your memory, would it? It wasn't a huge
13 quantity of money; is that right?

14 A. It just -- the particular number does not, yes, stick
15 in mind.

16 Q. Okay. Did Mr. Green make any statement, at any
17 point, after being taken into custody?

18 A. Yes, he does.

19 Q. Okay. Can you describe what statements he might have
20 made?

21 A. These were statements that were not derived from
22 being questioned. These were statements on the scene
23 after he was taken into custody. Immediately after the
24 search warrants being signed, the Hays County DA gave
25 verbal permission to the San Marcos Police detective to go

1 ahead and take Mr. Green into custody. After Mr. Green
2 was taken into custody --

3 Q. I'm sorry. Which search warrants are we talking?

4 A. This is the state search warrants of the --

5 Q. So the storage and the --

6 A. No. Not -- no, sir. Not the storage. This is going
7 to be at the scene of the hotel where he was actually
8 taken into custody.

9 Q. Oh, so there were two different search warrants?

10 A. So there was two different search sites. Correct.

11 And so, the original search warrant was for the vehicle.

12 Q. Right.

13 A. The backpack and the hotel room. The next day, which
14 was the 30th, San Marcos Police obtained a search warrant
15 for the Austin Texas Self-Storage unit.

16 Q. Okay. The vehicle, of course, is the silver Impala?

17 A. That's correct.

18 Q. And then, why is there a separate search warrant for
19 that? Or why is the backpack listed as a separate target
20 of the search warrant?

21 A. So within the first search warrant, there is three
22 things that were practically named.

23 Q. Right.

24 A. The backpack, the hotel room.

25 Q. How does that come in separate? Where was the

1 backpack found?

2 A. Okay. So the backpack was found on Mr. Green's
3 person when he was detained.

4 Q. Okay.

5 A. Yes, sir.

6 Q. That's what I didn't understand.

7 So sorry. I'd interrupted you. You were
8 describing that after the search warrants were signed, San
9 Marcos PD gave verbal permission to detain --

10 A. That's correct --

11 Q. -- my client --

12 A. -- the Hays County prosecutor's office.

13 Q. Okay. And so, then --

14 A. Gave verbal to go ahead and detain pursuant --

15 Q. And I'd asked you what, if any, statements Mr. Green
16 made.

17 A. Yes, sir. That is correct.

18 So after he was detained, he was placed in a
19 Austin Police patrol car in which officers, agents on the
20 scene did hear Mr. Green making statements when he was
21 yelling outside the window.

22 Q. And what were those statements?

23 A. "You didn't find my weapon. You didn't find my
24 weapon. You didn't find my gun." He said something to
25 the effect and this is not -- this is not verbatim.

1 Something to the effect of "You didn't catch that one in
2 1994 and that I've been doing this for 40 years."

3 Q. Okay.

4 A. Additionally, a task force officer with the FBI
5 recalls Mr. Green saying that he's been doing this for 40
6 years and that he was tired.

7 Q. And when was that statement made?

8 A. That was around 12:00 at night. So that could have
9 been either on the 29th, which was Sunday, and this rolled
10 into to Mon -- very early Monday --

11 Q. But still there --

12 A. -- morning.

13 Q. Still there on the scene at the Studio 6?

14 A. That would have been out in the parking lot of the
15 Studio 6.

16 Q. Okay. Now, are there any other -- were there any
17 recorded phone calls that police or FBI were able to
18 obtain?

19 A. As far as the FBI personally obtaining or
20 investigatively obtaining phone calls, no. But as a
21 umbrella, since this is an investigation that involves a
22 multitude of different agencies, both local and federal,
23 yes, San Marcos had retrieved calls from the jail and
24 that's what I'm aware of.

25 Q. And --

1 A. Unless I'm --

2 Q. -- is there any significance to those calls?

3 A. All I know from one of the -- one of the calls from
4 the jail is that Mr. Green was informed that the FBI had
5 searched the storage unit.

6 Q. And who informed him of that, do you know?

7 A. What I was -- what I was told is that was Mrs. Tammy
8 Green.

9 Q. Okay. And did he -- is there any -- anything
10 particularly noteworthy about his reaction or?

11 A. I don't recall anything noteworthy. No, sir.

12 Q. Okay. So you said earlier, that someone observed and
13 I just didn't catch who it was.

14 A. Yes.

15 Q. Someone had observed when Tammy Green was checking in
16 that she had paid with fresh bills.

17 A. That's correct.

18 Q. And who was that that?

19 A. There was two witnesses that observed her check in
20 that we know of. Those witnesses are going to be the
21 person at the desk of the hotel. And additionally, there
22 was also the Austin Police Department police officer, a
23 patrol officer who was there within the lobby on a
24 separate matter.

25 Q. Oh.

1 A. And that happened to be the same patrol officer that
2 we made contact with the next day, on the 29th, in regards
3 to this matter that was ongoing.

4 Q. Okay. So I -- there in the discovery I've seen, I
5 forget which document it is or documents. There's
6 indication that law enforcement believed that Tammy Green
7 is either an accessory or an accomplice. And what I heard
8 today is that she was seen at the pawnshop dressed in the
9 jacket or hoody with a white stripe.

10 Is there anything else that -- other than their
11 being married and together, that on the highway and the
12 various scenes that you've described, is there any
13 particular evidence you could point to that would -- would
14 point to her as being an accomplice or an accessory,
15 involved in the robberies?

16 A. Approximately 30 to 45 minutes somewhere, it was
17 approximately after the robbery occurred in San Marcos on
18 the 28th, agents, TFOs, investigators were able to
19 determine that both Mr. Rodney Green and Tammy Green did
20 go to the Wal-Mart in south Austin within the, you know,
21 30- to 40-minute range -- and this is approximate -- and
22 they did make a purchase at the Wal-Mart 30 to 45 minutes
23 approximately after the bank robbery did occur in San
24 Marcos.

25 Q. Okay. And what was purchased?

1 A. A gold chain.

2 Q. So that would have been -- I think you described the
3 robbery as having been about 9:05 on Saturday morning?

4 A. So the police reports or affidavits indicate that the
5 bank robber entered the bank at 9:03 a.m.

6 Q. Okay.

7 A. And indicated that the bank robber left the scene in
8 approximately 9:05, or that's when he was seen exiting the
9 bank at 9:05 a.m.

10 Q. Okay. Where -- is there anything else along that
11 lines of evidence pointing to Tammy Green -- to Tammy
12 Green being involved?

13 A. I don't recall right now.

14 Q. Okay. Where was the receipt found for the ATX
15 Self-Storage?

16 A. The receipt was located within Room 359, after the
17 state search warrant was executed.

18 Q. Okay. And did I hear you say that that hotel room
19 had been rented that day?

20 A. No, sir. That's incorrect.

21 Q. Okay.

22 A. When we made contact with Rodney Green, it was -- and
23 these times are approximate. It was before midnight on
24 the 29th. And we had located the vehicle -- the suspect
25 vehicle approximately 2:00 on the 29th, in the afternoon.

1 And so -- no.

2 Q. So when was the room rented first?

3 A. So Tammy Green checked into the room on the 28th of
4 April.

5 Q. And the 28th of April --

6 A. Was yes, a Sunday of the bank robbery. That's
7 correct.

8 Q. Okay. Exhibits 13 and 14, what -- which bank robbery
9 were these taken from?

10 A. Give me one second, please.

11 Exhibit -- Government Exhibit 14 is going to be
12 the Bank of America bank robbery in San Marcos, Texas,
13 which was on the 28th of April.

14 Q. Okay.

15 A. Government Exhibit 13, and I cannot be for sure on
16 this, but I believe this particular photograph, Government
17 Exhibit 13, is going to be from the BBVA Compass Bank
18 robbery, which was actually robbed twice by the
19 individuals wearing the same black jacket during both of
20 those robberies.

21 The first robbery, a dye pack went off, and that
22 was on February -- that was on February 8th. As the
23 suspect leaves the bank, you can actually see a dye pack
24 going off in the surveillance video.

25 The next bank robbery, which is the third bank

1 robbery in the string of five, occurred on the 24th of
2 February. The same suspect wearing the exact same clothes
3 -- or not the same clothes, very close to the clothes --
4 comes back in the same bank, goes to the same teller and
5 tells them: "I'm robbing you for a second time. I only
6 have three months to live, and I don't care who I take
7 with me." That really startled the bank teller. So this
8 bank was robbed twice.

9 Q. Was there a gun displayed, brandished?

10 A. Yes. That's correct, in both of the bank robberies.
11 At that time BBVA Compass. I believe that was 5700
12 Cameron Road, BBVA.

13 Q. Okay. And tell me when -- you mentioned that one of
14 the commercial robberies was on December 26th. What were
15 the dates of the other -- the other three commercial
16 robberies?

17 A. Yes, sir.

18 So we have four commercial robberies. The first
19 commercial robbery occurred on December 26th of 2017,
20 which was a Boost store. The second commercial robbery
21 was on 12-28 of '17, December 28th of '17, which is a
22 Cricket store.

23 Now, all -- the Cricket store is important
24 because that's the only robbery that we -- that a gun was
25 not utilized. A knife was utilized on the second

1 commercial robbery. The third commercial robbery occurred
2 on the 28th of December 2017. That was at Cricket.

3 Fourth was the Family Dollar store, which occurred on
4 January 7th of 2018.

5 Q. Okay. And then, the first bank robbery was the Chase
6 in Austin on January 24th?

7 A. That's correct. And that was the -- that was the
8 bomb threat, as well, on the January 24th, 2018, Chase. I
9 believe that was on Lamar. I can't remember the exact
10 address, but it was on Lamar.

11 Q. Now, you indicated that the suspect in that one
12 threatened that he had a bomb and also pointed the gun.
13 Was the gun brandished or just shown, or was it actually
14 pointed at any other robberies?

15 A. The witnesses indicate the gun was brandished and
16 pointed. Additionally --

17 Q. At all the robberies. Or?

18 A. Not -- no. Not all the robberies. So eight of the
19 nine in totality of the robberies, there was a weapon as
20 far as a handgun used.

21 Q. Right.

22 A. One of the robberies, which was the second commercial
23 robbery on 12-26 of '17, actually used a knife.

24 Q. Okay. But my question is.

25 A. Uh-huh.

1 Q. Was -- in the eight, the four commercial and four
2 bank robberies in which a gun was seen, was it always
3 pointed each time?

4 A. It was pointed in a teller's direction. Yes. Yes.
5 If you read -- or if you speak to some of the witnesses
6 during the bank robberies, especially you can say the
7 second bank robbery, which was the BBVA Compass at 5700
8 Cameron Road, which occurred on the 2nd -- the 8th of
9 February, the suspect went and said, "Don't do anything
10 stupid or I'll shoot." Additionally, it was pointed at
11 the teller's stomach in which she -- he indicated he was
12 very scared.

13 The third bank robbery was in the exact same
14 place, the BBVA Compass in which the suspect approached
15 the very same teller and said, "Don't do anything stupid.
16 I have three months to live," you know, and "I don't care
17 who I take with me." That really scared obviously the
18 victim.

19 Q. I don't have any further questions.

20 RE-DIRECT EXAMINATION

21 BY MR. BUIE:

22 Q. Find Government's Exhibit 13 again.

23 A. Yes, sir.

24 Q. See if you can locate that. Or I'll just give you my
25 copy, let you read that.

1 A. I just found it. Yes, sir.

2 Q. All right. You said when you were answering Mr.
3 Aldredge's questions that that was the BBVA Compass Bank
4 robbery or one of the two. Is that your recollection of
5 what this -- which bank this is?

6 A. That is my recollection due to the fact that -- and I
7 don't remember, specifically, if both of -- as far as the
8 bank employees and the victims there on scene trying to
9 utilize the bank were pulled on the ground at that
10 particular -- those particular bank robberies. And I
11 don't recall if they're pointed at the ground in both bank
12 robberies or just one.

13 Q. Okay. So is that what we see over in the lower
14 left-hand corner of Exhibit 13?

15 A. That is correct.

16 Q. Just say again what that is. It looks like legs.

17 A. Yes.

18 That would have been a patron, a person that was
19 trying to utilize the bank at the time the robbery
20 occurred.

21 Q. You said they're lying on the floor?

22 A. That's correct.

23 Q. Why?

24 A. Because the suspect came in with a gun and started
25 pointing and brandishing the weapon in people's direction.

1 I'm sure they were concerned for their safety.

2 Q. Did the robber give the -- any of the witnesses or
3 victims any instructions, tell them to do anything, not to
4 do anything? Remember anything like that?

5 A. I do. Yes, sir. So I do. During the commercial
6 robberies, the -- during the commercial robberies, the
7 suspect had told all the victims to count to a certain
8 number. Whether that's 250 or 120 -- this is
9 approximate -- he told them to count to a rather large
10 number as far as in seconds until he -- until he left the
11 area.

12 Q. When the firearm was discovered in the storage unit,
13 was any ammunition with it?

14 A. Yes. There was ammunition in the magazine, which was
15 inside the weapon.

16 Q. And what caliber is that gun?

17 A. I don't specifically recall, but I believe it was
18 either .380 or a nine-millimeter.

19 Q. That's all I have, your Honor.

20 MR. ALDREDGE: Nothing further.

21 THE COURT: Thank you, Agent. You may step down.

22 THE WITNESS: Thank you, sir.

23 MR. BUIE: That's all the government's evidence.

24 The government rests.

25 MR. ALDREDGE: Your Honor, we don't have any

1 evidence.

2 THE COURT: And that's for all purposes?

3 MR. BUIE: Yes, your Honor. Both for preliminary
4 hearing and detention.

5 THE COURT: All right. With regard to the
6 preliminary, I do find that the evidence is sufficient to
7 establish that there's at least probable cause to believe
8 that Mr. Green committed the offense charged in the
9 complaint, which is the April 28th, 2018 robbery. You may
10 step down.

11 THE WITNESS: Thank you.

12 THE COURT: And so, I do find probable cause for
13 that.

14 With regard to detention, anything you want to
15 present or argue with regard to detention?

16 MR. BUIE: Your Honor, I'd just -- number one,
17 the government has attempted to show that Mr. Green
18 engaged in a number of robberies. We may not have gotten
19 into detail on all of them but, suffice it to say,
20 numerous robberies with what we believe to be a loaded
21 firearm. He pointed a firearm at people on numerous
22 occasions. It was loaded when it was found. As the agent
23 testified, he was threatening people. And so, his past
24 conduct demonstrates his dangerousness by clear and
25 convincing evidence.

1 Additionally, his criminal history, at least
2 insofar as is represented by the Pretrial Services
3 Officers, is quite extensive and serious. And I believe
4 there is, I want to say, at least one occasion when there
5 was a bond revocation. But I'm having trouble finding
6 that. Yes. June 7th, 1996 probation revocation on a 1994
7 conviction. But those both just show that Mr. Green's a
8 danger. And because he's failed to abide by bond
9 conditions in the past, or probation conditions, that he
10 shouldn't be trusted to abide by bond conditions in this
11 case here.

12 THE COURT: Mr. Aldredge.

13 MR. ALDREDGE: Your Honor, my client has one
14 felony conviction from 1985 and then, a few misdemeanor
15 convictions since then, by my count, to two or three
16 criminal history points. So I'd submit that his criminal
17 history is not significant. The more serious behavior,
18 including perhaps the bond -- probation revocation,
19 misdemeanor probation revocation that occurred over 20
20 years ago, is one felony conviction was over 30 years ago.

21 He has lived in this area for 30 years. He's
22 married. He is 58 years old. I believe the evidence in
23 the pretrial report is that he would be stable. He has no
24 -- nowhere to flee, no resources to flee with; and based
25 on that, any potential danger to the community the Court

1 might be worried about, the Court can address that, I
2 believe, with the conditions that you have at your
3 disposal to fashion. We'd ask the Court to do that.

4 THE COURT: Given the offense and the finding of
5 probable cause, this is a presumption offense because it's
6 crime of violence involving a firearm. So there's a
7 presumption that the Court should detain the defendant or
8 that there aren't conditions, based on primarily -- and
9 this is not common, but in this instance, on the offenses
10 charged or this offense and the others that in which Mr.
11 Green is a suspect, I do think that the evidence on that
12 and the strength of the government's case is such that it
13 presents to the Court a risk of danger to the community
14 that could not be adequately addressed through conditions.
15 And the number of times in which it's alleged that Mr.
16 Green brandished a firearm in a public place and
17 threatened people with it is concerning.

18 And then, given Mr. Green's age at 58, the
19 potential sentences for these offenses, if convicted, are
20 substantial, there's -- and I don't know if you've had a
21 chance to go over this with him yet, but seven years is a
22 mandatory add-on for each brandishing and it sounded like
23 there were several.

24 So I think all of that combined, once Mr. Green
25 is aware of the potential penalties and given his age,

1 which I share with him -- I'm the same age -- so that
2 would be looking at a long time and maybe the rest of
3 one's life in jail. And so, that would create certainly
4 the incentive to want to flee.

5 Given that, I'm going to enter an order of
6 detention because I don't find that there are conditions I
7 could set that would reasonably assure Mr. Green's
8 appearance or the safety of the community.

9 MR. ALDREDGE: Your Honor, just so Mr. Green
10 doesn't misunderstand, it's actually each -- seven for the
11 first one plus 25 for each one after that.

12 THE COURT: Thank you. I was halfway through the
13 statute reminding myself before when this happened -- when
14 the evidence ended.

15 Mr. Green.

16 THE DEFENDANT: So you're saying that I'm guilty.

17 THE COURT: No, sir.

18 THE DEFENDANT: Already? That's what it sounded
19 like to me you were saying.

20 THE COURT: No, sir.

21 I'm saying that if convicted, that would be what
22 you'd be looking at if you were convicted. I have found
23 that there is probable cause to believe, but that's all I
24 found on the preliminary is there's probable cause. But
25 no. I -- you know, there's a lot still to be done in this

1 case for the government to prove it and for you to defend
2 it. So --

3 THE DEFENDANT: Oh, okay. Thought you were --

4 THE COURT: -- I'm not making any finding.

5 THE DEFENDANT: -- sentencing me here.

6 THE COURT: No, sir. That will be somebody
7 else's job.

8 All right. Anything else the Court needs to do
9 at this time?

10 MR. BUIE: Not from the government, your Honor.

11 THE COURT: Thank you. Y'all may be excused.

12 (Proceedings conclude at 3:53 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

REPORTER'S CERTIFICATE

I, LILY I. REZNIK, DO HEREBY CERTIFY THAT THE FOREGOING
WAS TRANSCRIBED FROM AN ELECTRONIC RECORDING MADE AT THE
TIME OF THE AFORESAID PROCEEDINGS AND IS A CORRECT
TRANSCRIPT, TO THE BEST OF MY ABILITY, MADE FROM THE
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER, AND THAT THE
TRANSCRIPT FEES AND FORMAT COMPLY WITH THOSE PRESCRIBED BY
THE COURT AND JUDICIAL CONFERENCE OF THE UNITED STATES.

/s/Lily I. ReznikJuly 11, 2019

LILY I. REZNIK

DATE